

S. C. asks the Utah Labor Commission to review Administrative Law Judge Hann's denial of Ms. Cantu's claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12, Utah Code Ann. §34A-2-801(3) and Utah Admin. Code R602-2-1.M.

BACKGROUND AND ISSUE PRESENTED

On August 19, 2000, while Ms. C. was working for Fresenius Medical Care, her chair was pulled from under her and she fell to the floor. On March 12, 2001, Ms. C. filed an Application For Hearing with the Commission to compel Fresenius Medical Care and its workers' compensation insurance carrier, CNA Insurance (referred to jointly as "Fresenius" hereafter), to pay benefits for injuries to Ms. C.'s left arm and low back allegedly caused by her accident.

Judge Hann conducted an evidentiary hearing on Ms. C.'s claim on April 8, 2002. Because Fresenius accepted liability for Ms. C.'s left arm injury, Judge Hann limited her evaluation to the low back injury. On November 6, 2002, Judge Hann issued an interim Order and referred the medical aspects of Ms. C.'s claim to an impartial panel of medical experts. After receiving the medical panel's report on January 17, 2003, Judge Hann issued her final decision on August 11, 2003. In summary, Judge Hann found that Ms. C. did not report any low back pain or injury until several months after her accident. On that basis, Judge Hann accepted the opinion of the medical panel and other physicians that the accident did not cause Ms. C.'s low back injury. Judge Hann therefore denied benefits on the grounds that Ms. C.'s low back problems did not arise out of and in the course of her employment.

In her motion for review, Ms. C. challenges Judge Hann's finding, arguing that she did in fact report a low back injury following her accident, but that her medical providers failed to note the problem in their records. Ms. C. further argues that, if her complaints of low back pain had been properly recorded, such complaints would have established that her work accident caused her low back injury.

FINDINGS OF FACT

The Commission affirms and adopts Judge Hann's findings of fact. In particular, the Commission agrees with Judge Hann's finding that Ms. C. made no meaningful report of low back pain for six months after her work accident. On that basis, Judge Hann correctly determined that the preponderance of medical evidence, including the applicable portions of the medical panel's opinion, establish that the work accident was not the medical cause of the low back injury.

DISCUSSION AND CONCLUSION OF LAW

Section 34A-2-401 of the Utah Workers' Compensation Act requires employers and their

insurance carriers to pay workers' compensation benefits to workers injured by accident arising out of and in the course of their employment. In other words, an injury is only compensable under the workers' compensation system if the injury is work-related.

In this case, the facts set forth in Judge Hann's decision and adopted by the Commission lead to the conclusion that Ms. C.'s low back problems are not related to her work. The Commission therefore concurs with Judge Hann's determination that Ms. C.'s low back problems are not compensable under the Act.

ORDER

The Commission affirms Judge Hann's decision and denies Ms. C.'s motion for review. It is so ordered.

Dated this 25th day of February, 2004.

R. Lee Ellertson, Commissioner